

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

COFFEE MANIA, LLC,

Plaintiff,

v.

**5:15-CV-823
(FJS/DEP)**

COFFEMANIA BRYANT PARK, LLC,

Defendant.

ORDER OF DISMISSAL BY REASON OF SETTLEMENT

The mediator has advised the Court that the parties have settled this action or are in the process of doing so. *See* Dkt. No. 37. A review of the Court's docket indicates that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y. L.R. 68.2(a), the Court hereby

ORDERS as follows:

- (1) The above-captioned case is hereby dismissed and discontinued in its entirety, without costs, and without prejudice to the right of any party to reopen this action within sixty (60) days of the date of this Order if the settlement is not consummated.
- (2) Counsel are directed to file either a Stipulation of Discontinuance or a Status Report within sixty (60) days of the date of this Order.
- (3) Any application to reopen this case must be filed within sixty (60) days of the date of this Order. An application to reopen filed after the expiration of that sixty-

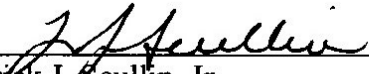
day period, unless the Court has extended this period prior to its expiration, may be summarily denied solely on the basis of untimeliness.

(4) The dismissal of the above-captioned action shall become with prejudice on the sixty-first day following the date of this Order unless any party moves to reopen this case within sixty (60) days of the date of this Order upon a showing that the settlement was not consummated or the Court extends the sixty (60) day period prior to its expiration.

(5) The Clerk of the Court is directed to close this case and serve this Order on the parties pursuant to the Court's Local Rules.

IT IS SO ORDERED.

Dated: July 8, 2016
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge